

Generated on: This page was generated by TSDR on 2013-10-22 09:38:38 EDT

Mark: COLOSSAL

COLOSSAL

US Serial Number: 85843172
US Registration Number: 4421054
Filed as TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Oct. 22, 2013
Publication Date: Aug. 06, 2013

Application Filing Date: Feb. 07, 2013
Registration Date: Oct. 22, 2013
Currently TEAS Plus: Yes

Mark Information

Mark Literal Elements: COLOSSAL
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Ice cube molds; Ice cube molds for refrigerators
International Class(es): 021 - Primary Class
U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050
Class Status: ACTIVE
Basis: 1(a)
First Use: Oct. 01, 2012
Use in Commerce: Oct. 01, 2012

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: ICI USA, LLC
DBA, AKA, Formerly: DBA TOVOLO
Owner Address: 2825 Eastlake Ave. E, Ste. 230
 Seattle, WASHINGTON 98102
 UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: WASHINGTON

Attorney/Correspondence Information

Attorney Name: Priya Sinha Cloutier
Attorney Primary Email Address: pcloutier@karrtuttle.com
Attorney Email Authorized: Yes
Correspondent

EXHIBIT 1
 PAGE 1

Correspondent PRIYA SINHA CLOUTIER
Name/Address: LANE POWELL PC
 STE 2100
 601 SW 2ND AVE
 PORTLAND, OREGON 97204
 UNITED STATES

Phone: 206.223.7022

Fax: 503.778.2200

Correspondent e-mail: trademarks@lanepowell.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 22, 2013	REGISTERED-PRINCIPAL REGISTER	
Aug. 06, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 06, 2013	PUBLISHED FOR OPPOSITION	
Jul. 17, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 29, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
Jun. 25, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 24, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	76568
Jun. 24, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	76568
Jun. 17, 2013	ASSIGNED TO LIE	76568
Jun. 11, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 11, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 22, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 22, 2013	NON-FINAL ACTION E-MAILED	6325
May 22, 2013	NON-FINAL ACTION WRITTEN	82430
May 22, 2013	ASSIGNED TO EXAMINER	82430
Feb. 13, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 11, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 22, 2013

EXHIBIT
PAGE

1
5

United States of America
United States Patent and Trademark Office

COLOSSAL

Reg. No. 4,421,054

Registered Oct. 22, 2013

Int. Cl.: 21

TRADEMARK

PRINCIPAL REGISTER

ICI USA, LLC (WASHINGTON LIMITED LIABILITY COMPANY), DBA TOVOLO
2825 EASTLAKE AVE. E, STE. 230
SEATTLE, WA 98102

FOR: ICE CUBE MOLDS; ICE CUBE MOLDS FOR REFRIGERATORS, IN CLASS 21 (U.S.
CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 10-1-2012; IN COMMERCE 10-1-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-843,172, FILED 2-7-2013.

FRANK LATTUCA, EXAMINING ATTORNEY



Lisa Stuart Lee
Deputy Director of the United States Patent and Trademark Office

EXHIBIT 1

PAGE 3

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.



PRIYA SINHA CLOUTIER
206.223.7022
cloutierp@lanepowell.com

October 22, 2013

General Counsel
True Fabrications, Inc.
14 S. Idaho St.
Seattle, WA 98134

Re: Cease and Desist Use of "Colossal" Trademark

Dear Counsel:

We are writing on behalf of ICI USA, LLC d/b/a Tovolo ("ICI"). ICI is the proprietor of the registered trademark Colossal®, used in connection with the company's ice molds. *See* Exhibit A.

It has come to our attention that your company, True Fabrications, Inc. (True Fabrications), is using our client's mark in connection with an ice cube tray produced by True Fabrications. We have attached an example of True Fabrications, Inc.'s use of the trademark as Exhibit B. Your use of the Colossal® trademark results in a likelihood of confusion with our client's mark and comprises trademark infringement in violation of 15 USC §§1114 and 1125(a) *et seq.*

ICI demands that True Fabrications take all of the following steps to abate this infringement:

1. Immediately cease and desist use of Colossal®, or any confusing variations thereof;
2. Pay all attorneys' fees incurred by ICI in settling this matter;
3. Deliver-up for destruction all material to which the Colossal® trademark has been applied;
4. Withdraw, cancel, and/or delete any trademark applications and/or trademark registrations for or including the Colossal® mark;
5. Undertake, in writing, to never in the future to make use of the Colossal® mark without prior written authority from ICI;

EXHIBIT 2

PAGE 1

General Counsel
October 22, 2013
Page 2

6. Inform ICI as to the following:

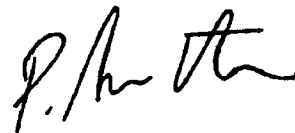
- The date that True Fabrications started using the Colossal® mark;
- The number of ice cube trays that True Fabrications has produced using the Colossal® mark;
- The name of any retailer who is currently stocked with or was supplied with the ice cube trays bearing the Colossal® mark; and
- True Fabrications' plan to recall all ice cube trays using the Colossal® mark.

At your earliest convenience, but no later than November 4, 2013, please provide us with the information requested above, an executed declaration certifying that True Fabrications has provided us with the requested information and its plan to cease and desist from using the Colossal® mark, and \$3,500.00 in attorney's fees and cost. We have attached a declaration for your convenience.

Thank you for your time and attention to this matter. We look forward to an efficient and amicable resolution. Please note that this is written without prejudice to our client's rights, all of which are hereby expressly reserved.

Very truly yours,

LANE POWELL PC



Priya Sinha Cloutier

Attachments

127383.0019/5819706.2

EXHIBIT 7
PAGE 2